

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH WAYNE RICH,

Petitioner,

No. CIV S- 05-0892 MCE GGH P

vs.

ROSEANNE CAMPBELL, Warden,

Respondent.

ORDER

_____/

Petitioner, proceeding with appointed counsel, has filed a petition pursuant to 28 U.S.C. §2254. On November 19, 2007, petitioner's counsel filed a motion for summary judgment, properly noticing a hearing on the dispositive motion before the undersigned for December 20, 2007, at 10:00 a.m. Respondent has failed to file any response to the motion and, in failing to file written opposition, has lost the privilege to speak in opposition to the motion at the hearing. See Local Rule 78-230(c). Nevertheless, respondent's counsel is directed to appear at the aforementioned hearing and to show cause for respondent's omission and why summary judgment should not be entered for petitioner based on the wholesale default.

IT IS SO ORDERED.

DATED: 12/18/07

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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